

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60143 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- HASPURA District- Aurangabad

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LALLU KUMAR @ AKSHAY KUMAR @ LALU KUMAR SON OF LATE
SURYADEO SINGH R/O VILLAGE- RAMPUR KAITHI, P.S.- HASPURA,
DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 37(b)(c) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 38 litres of liquor from the house of petitioner and Sudhir Kumar and from different motorcycle, as detailed in the FIR.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that house is a joint family property as would be



evident from the allegation itself, as such it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house, it is next submitted that the petitioner is neither the owner nor the driver of any of the motorcycle which were seized and his name came based on the confessional statement of co-accused in police custody which does have any evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Haspura P.S. Case No. 17 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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